

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.17233 of 2015

Date:18.06.2015

Between:

Yedlapalli Trinath.

.... Petitioner

And

The State of Andhra Pradesh,
Represented by its Chief Secretary,
Panchayat Raj Department,
Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.17233 of 2015

ORDER:

This writ petition is filed assailing the notices dated 02.03.2015 and 14.05.2015 issued by the Panchayat and the Revenue Authorities respectively.

Upon perusal of the notice dated 02.03.015 issued by the Panchayat

Secretary, Nidamaru Gram Panchayat, Tadikonda Mandal, Guntur District, it is noticed that the petitioner was called upon to handover the subject site within six days. However, it appears that this notice was not acted upon, as the petitioner does not complain of dispossession pursuant thereto.

The notice dated 14.05.2015 was issued by the Tahasildar, Thadikonda Mandal, under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for brevity 'the Act of 1905'). As this is in the nature of a show cause notice, it is for the petitioner to respond thereto. Sri G.Vijaya Babu, learned counsel for the petitioner, states that the petitioner did, in fact, respond to the show cause notice by submitting a reply under the legal notice dated 21.05.2015.

Having responded to the show cause notice dated 14.05.2015, it is not open to the petitioner to challenge the same at this stage. He would necessarily have to await the final adjudication by the authorities in exercise of powers under Section 6 of the Act of 1905.

The writ petition is therefore disposed of directing the Gram Panchayat, Nidumukkala, Tadikonda Mandal, Guntur District, not to act upon the notice dated 02.03.2015 and await the decision of the revenue authorities in the proceedings initiated under the Act of 1905. The Tahsildar, Tadikonda Mandal, Guntur District, shall consider the explanation submitted by the petitioner *vide* his legal notice dated 21.05.2015 and pass appropriate reasoned orders in exercise of the powers conferred on him under Section 6 of the Act of 1905 in accordance with law. Needless to state, the Revenue Authorities would take action only after passing of the final order under Section 6 of the Act of 1905 and upon the said order attaining finality.

Pending Miscellaneous Petitions shall also stand closed. No order as to costs.

SANJAY KUMAR, J

Date:18.06.2015

Note: Furnish C.C. by tomorrow.

(B/o)

